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PATRICK E. DUFFY
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

DIVISION

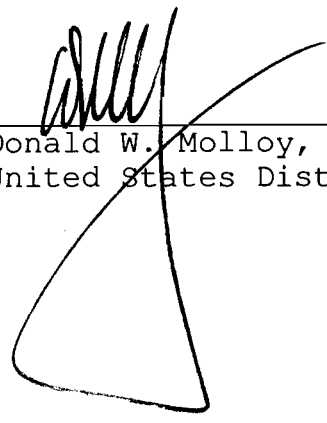
KELLY JAY PATRICK,)	CV 05-35-H-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MACKOFF, KELLOGG LAW FIRM,)	
CHARLES JAY PETERSON, and)	
CITIMORTGAGE, Inc.)	
)	
Defendants.)	
_____)	

It appears that Plaintiff has altered the Summons in this case in a manner not allowed by the Federal Rules of Civil Procedure, and not in conformance with the prior orders of this Court concerning timely service of process. See Fed. R. Civ. P. 4(m) and this Court's July 27, 2005 Order. In the July 27, 2005 Order (dkt #3), Plaintiff was ordered to comply with Fed. R. Civ. P. 4(m) and properly serve Defendants by November 14, 2005. The Clerk of Court issued the Summons on November 10, 2005 (dkt #4). Defendants have notified the Court that due to the alteration in the Summons they did not believe they were correctly served and

therefore did not answer the Complaint. I agree: Defendants did not have to answer the Summons.

Accordingly, IT IS HEREBY ORDERED that the Complaint is DISMISSED without prejudice for failing to comply with Rule 4(m) and the July 27, 2005 Order of this Court which mandated proper service of process by November 14, 2005.

DATED this 4th day of January, 2006.



Donald W. Molloy, Chief Judge
United States District Court